REMARKS

This Amendment responds to the Office Action mailed on July 5, 2005. Claim 1 has been amended. Claims 1-10, 12, 14, 15, 18, and 27-37 are currently pending. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance.

Claims 1-10, 12, 18, and 27-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dayton (U.S. Pat. No. 4,799,254) in view of Goodwin et al. (U.S. Pat. No. 6,218,966). Regarding the rejection in general, it is improper to combine Goodwin and Dayton because there is no motivation to do so. The Office Action stated that the motivation to combine the references was "to save cost." Yet the Office Action does not give any detail how this would occur, and Applicants cannot conceive of any possible way that incorporating the tactile feedback of Goodwin into the relatively primitive device of Dayton would save costs. The telecommunications cost that the invention in Dayton allegedly reduces would not be enhanced in the least by combining it with Goodwin. If anything, the combination would unduly increase the complexity and cost of the device.

Furthermore, it would not make any sense to combine Goodwin with Dayton for any other reason. Dayton is a portable terminal that is suitable to strap on (making an acoustic connection) to any telephone receiver to make brief queries to a central database. It has a calculator, dialer, and edit mode. A calc/lock button toggles the calculator mode on and off. (Col. 5, line 65 - col. 6, line 2.) A dialer button toggles between edit and dialer mode. (Col. 6, lines 16-18.) Dayton discloses a flat, thin semi-rigid membrane key covering that provides an electrically generated tactile feedback to the user. It can be used to indicate to the user that a key has been pressed (Col. 2, lines 56-61), or it can simulate specific surfaces, such as fabrics as a user might desire when shopping for fabric on the computer. (Col. 7, lines 25-31.) In one embodiment, varied tactile responses are automatically selected by a CPU according to which application is running. It is illogical to combine the terminal of Dayton with the keypad of Goodwin because, the keyboard disclosed in Dayton is the type that already has a tactile response because

the keys are raised above the surface and can be depressed. (See Fig. 2.) The disclosure of Goodwin is focused on keypads that are relatively flat and do not depress much at all.

Regardless of the above noted deficiencies of the rejection, for clarity purposes, claim 1 has been amended to recite: "the keyboard mode control software module automatically determining whether the keyboard output signals from the letter keys are to be converted into character codes or telephony tone signals, depending on which one of the plurality of software applications is active." This limitation replaced the previous limitation that focused more on the keyboard mode control software module detecting which keyboard mode the device was currently in. The amendment better defines and makes it more clear that the software automatically determines whether the output signals are to be converted into character codes or telephony tone signals.

A proper obviousness rejection requires that all claim limitations must be taught or suggested. Neither of the cited references teach or suggest this limitation. As the examiner acknowledged in withdrawing the previous rejection, Dayton does not teach software that automatically determines whether to convert output signals into character codes or telephony tone signals, depending on which application is active. Furthermore, Goodwin does not teach or suggest software that automatically determines whether to convert output signals into character codes or telephony tone signals, depending on which application is active. Goodwin may change the tactile feedback of a keyboard based on which application is running, but it does not have anything to do with determining whether to convert output signals into character codes or telephony tone signals. It does not even suggest changing the output signals from the keys at all. Therefore, neither reference teaches or suggests this claim limitation.

Regarding claim 18, it recites "accessing the service store memory location to detect whether the telephony mode or the data mode is associated with the active application." Dayton does not teach or suggest "accessing the service store memory location to detect" anything. Goodwin does not teach or

suggest detecting a telephony mode or data mode. Therefore, neither reference teaches or suggests this claim limitation.

Regarding claim 30, it recites: "wherein the keyboard mode control software module automatically determines whether the keyboard output signals from the plurality of keys are converted into character codes or telephony tone signals based on a keyboard mode that is associated with an active software program." As stated above, Dayton does not teach or suggest software for automatic determination, and Goodwin does not teach converting keyboard output signals at all, nor converting into character codes or telephony tone signals. Therefore, neither reference teaches or suggests this claim limitation.

Claims 1, 18, and 30 are the only remaining independent claims in this application, and therefore, dependent claims 2-10, 12, 27-29, and 31-35 should also be allowable for at least the same reasons as the independent claims.

Regarding the rejections of claims 14-15 and 36-37, these claims are also dependent on claims 1 and 30 and should also be allowable for at least the same reasons as these claims. The additional reference, Miller (U.S. Pat. No. 5,660,488), does not cure the defects mentioned above.

For the foregoing reasons, Applicants respectfully submit that claims 1-10, 12, 14, 15, 18, and 27-37 are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue.

Respectfully submitted,

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